IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2071 OF 2005

Anirudd C.Bhatt .. Petitioner

versus

The Municipal Corpn.of Gr.Mumbai.& ors.Respondents

Mr.Behram Shroff with Mr.A.B.Ketkay for Petitioner

Ms A.R.Joshi for Respondents.

CORAM : D.G. KARNIK, J

DATED : 10th August, 2005

P.C.

1. Heard learned counsel for the petitioner and the respondents.

2. The petition is directed against the order dated 21st March 2005 (Exhibit B) assessing the rateable value in respect of the petitioner's property.

3. Learned counsel for the respondents raises a

preliminary objection to the maintainibility of the petition stating that an appeal is provided under section 217 of the Mumbai Municipal Corporation Act (for short the Act) against the impugned order. It is not the rule of law that whereever an appeal has been provided a writ petition cannot be entertained. It is however a practise and rule of prudence consistently followed by this court not to entertain a writ petition when the statute provides for an appeal and the appeal is an adequate and efficacious remedy available in the matter. It is not the case of the petitioner that the appeal provided under section 217 of the MMC Act is not an adequate and efficacious remedy. All that is contended that the order is grossly wrong. Assuming so the petitioner has an adequate and equally efficacious remedy. I am therefore not inclined to entertain the petition. Petition is accordingly dismissed summarily.

4. Learned counsel for the respondents states that if an appeal is filed against the impugned order within four weeks from the date of this order the respondent would not object for the condonation of delay. Statement is recorded and accepted.

D.G.KARNIK, J